

MINUTES OF THE MEETING  
OF THE  
CITY PLAN COMMISSION

TUESDAY, January 6, 2015

The City Plan Commission held its regular meeting on Tuesday, January 6, 2015 in the Council Chambers on the 26<sup>th</sup> Floor of City Hall. The following members were:

PRESENT

Ms. Babette Macy	Chairwoman
Mr. Jeff Krum	Vice Chair
Mr. Enrique Gutierrez	Member
Ms. Margaret J. May	Member
Rev. Stan Archie	Member
Ms. Bobbi Baker-Hughes	Member
Ms. Trish Martin	Member

ABSENT

None

ALSO PRESENT

Ms. Diane Binckley	Assistant Secretary
Ms. Ashley Winchell	Staff
Mr. John Eckardt	Staff
Mr. Olofu Agbaji	Staff
Mr. Joseph Rexwinkle	Staff
Mr. Brad Wolf	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Maggie Moran	Legal Counsel
Mr. Wei Sun	Public Works
Mr. Brett Cox	Land Development

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Chairwoman Macy called the meeting to order at 9:10 A.M.

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**RE:** Case No. 13479-P-2

**APPLICANT:** Ron Baldwin  
BPI Midwest, LLC  
8901 N Brighton Ave  
Kansas City, MO 64156

**CONTACT:** Robert Parks  
Weiskirch and Parks Engineers  
111 N Main  
Independence, MO 64156

**LOCATION:** 8980 N Lawn Avenue

**REQUESTS:** to approve a Chapter 80 Final Plan in District R-7.5 for a  
community pool, parking lot and private open space.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Robert Parks, Weiskirch & Parks Engineers, Independence Missouri had signed the consent agenda and agreed to all the conditions in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 13479-P-2 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled and folded copies (and a CD containing a PDF file of all plan sheets), revised as noted, be approved by the Development Management staff (15<sup>th</sup> Floor, City Hall):
  - a. That a row of evergreen trees be planted between the pool and the three residential lots to the north.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy  
VOTING NAY: None  
ABSENT: None

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**RE:** Case No. 2761-P-1

**APPLICANT:** Freedom Enterprise, LLC  
444 Regency Parkway  
Omaha, NE 68114

**PROPERTY OWNER:** Curry Real Estate Services  
2700 Kendallwood Parkway  
Gladstone, MO 64119

**CONTACT:** Kathleen Warman  
1828 Swift #101  
North Kansas City, MO 64116

**LOCATION:** Generally located at the southwest corner of NE Englewood Road  
and N Antioch Road

**REQUESTS:** to consider approval of a Chapter 80 Final Plan in District B2-2 to  
approve a drive-thru coffee kiosk

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Ms. Kathleen Warman, Warman Architects, Kansas City Missouri had signed the consent agenda and agreed to all the conditions in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 2761-P-1 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That two (2) collated, stapled and folded copies (and a CD containing a PDF file of all plan sheets), revised as noted, be approved by the Development Management staff (15<sup>th</sup> Floor, City Hall):
  - a. Provide landscaping in compliance with Section 88-425 "Landscaping and Screening." Landscape plans are required to be prepared by a registered landscape architect.
  - b. Add sidewalk to right-of-way directly east of the existing curb cut and south of NE Englewood Road connecting to N Antioch Road.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy

VOTING NAY: None

ABSENT: None

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**RE: Case No. 6158-P-35**

**APPLICANT:** Frank Lombardo  
Red Spoon, LLC, dba Dairy Queen  
9524 N. Lane Avenue  
Kansas City, MO 64157

- OWNER:** Amber Meadows, Inc.  
430 NE Dickinson Ln  
Kansas City, MO 64119
- AGENT:** James E. Wilkerson  
James E. Wilkerson, A.I.A.  
119 E. Tallulah Drive  
Greenville, SC 29605
- LOCATION:** Generally located at the northeast corner of N. Ash Avenue and  
NE Cookingham Drive.
- AREA:** Approximately 1 acre.
- REQUESTS:** To consider approval of a Chapter 80 final plan in District B2-2  
(Neighborhood Business 2 dash 2), to allow for a restaurant with a  
drive-through.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that Mr. Frank Lombardo, 9524 N. Lane Ave., Kansas City MO 64157 had signed the consent agenda and agreed to all the conditions in the staff report.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE Case No. 6158-P-35 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That three (3) collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri State Plane coordinate system) of all submitted sheets, revised as noted, be submitted to Development Management staff (15<sup>th</sup> Floor, City Hall) prior to building permit showing:
  - a. Name and title of Plan Set be revised to reflect "Chapter 80 Final Plan".
  - b. A location map identifying boundaries of property in relation to major streets.
  - c. A color elevation showing the proposed color scheme. Revised building elevation showing a higher percentage of brick on all four sides of the building relative to the EIFS as required by the current approved plan (copy of plan attached).
  - d. Label building elevations to reflect North, South, East and West.
  - e. Location of RTU in relation to building elevations and adequate screening from all sides.
  - f. Monument sign base and trash enclosure be revised to match brick material of the principal building.
  - g. Monument sign setback 10 feet from the property line as required by the Zoning and Development Code. Monument sign location on all plan sheets be consistent.

- h. Menu board revised to a maximum area of 30 square foot and shall not exceed 8 feet in height to meet the requirement of the code.
- i. Provide short term and long term bicycle parking as required by chapter 88-420-09 of the code.
- j. The sidewalk on the north aligned with the sidewalk on the west side of McDonald's driveway, and provide a connecting spur to the north.
- k. The existing sidewalk on the north side of Highway 291 and a connection between the public sidewalk along Highway 291 and the building entrance.
- l. Identification and written dimensions of the width from centerline and total width of existing perimeter and interior streets, other rights-of-way, and all existing easements.
- m. Identification and written dimensions of the total width of pavement of existing streets.
- n. Existing medians within the public right-of-way shall be shown including turn lanes and all other pertinent information within the right-of-way to provide a complete understanding of existing conditions.
- o. Show existing conditions of surrounding property within 300'.
- p. Name of adjacent platted subdivision and identification of lot number and tracts.
- q. Location, identification, and dimension of proposed lots and tracts.
- r. Location of proposed buildings and structures and existing buildings and structures to remain, with written dimensions of setback from proposed street right-of-way and adjacent property lines, dimensions of building width and length, number of floors, gross floor area per floor, and total building area.
- s. Identification of proposed or existing use or uses within each building, building entrances and exits, docks or other service entrances, outdoor storage and sales areas, and other paved areas.
- t. Location of proposed or existing parking spaces, aisles, and drives with written setback dimensions from proposed street rights-of-way and adjacent property lines; typical width and length of parking spaces; number of parking spaces per row; and width of parking aisles.  
(Parking & Loading – 88-420)
- u. Written information shall be provided in the following order on the site plan and in tabular form on the face of the plan. The site plan shall identify buildings, and other graphic information by numbers or letters to allow easy reference to the following information:
  - a. Existing zoning of property.
  - b. Total land area in square feet or acre.
  - d. Net land area or acres.
  - e. Proposed use or uses of each building and structure.
  - f. Height above grade of buildings and structures and number of floors of each building.
  - g. Gross floor area per floor and total for each building.
  - h. Building coverage and floor area ratio.
  - j. Ratio of required number of parking spaces for each use and amount of required, proposed parking spaces.
  - k. Ratio of required number of short term and long term bicycle parking spaces for each use and amount of required, proposed short term and long term bicycle parking spaces.
  - l. Commencement and completion dates for each phase.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy  
VOTING NAY: None  
ABSENT: None

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**RE:** Case No. 12209-CUP-13

**APPLICANT:** Robertson Properties, Inc.  
PO Box 165  
Liberty, MO 64069

**REPRESENTATIVE:** AGC Engineers, Inc. Attn: Art Akin  
405 S. Leonard, Suite D  
Liberty, MO 64068

**LOCATION:** At the eastern end of NE 100<sup>th</sup> Terrace just east of N. Lawn  
Avenue

**AREA:** About 1.46 acres

**REQUEST:** To consider approval of a final Community Unit Project plan in  
District R-1a (One family dwellings) for a storm water detention  
tract.

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Commissioner Martin asked if there were still going to be trees surrounding the perimeter.

Mr. Eckardt answered yes.

Chairwoman Macy asked to hear from the applicant.

Mr. Robertson stated they were in agreement in trying it and partnering with an expert for the correct types of seeds for the area.

Commissioner Martin asked who would be responsible for maintaining it and seeing that was burned and if it didn't work what was the alternative.

Mr. Eckardt answered that it was the private sector's responsibility and unless there was a default in the subdivision where the City may end up coming in later but typically that did not happen. It would be a private sector solution to take care of that. Burning was typically how to take care of native grasses; but someone would have to go in and cut out those wood species.

Commissioner Martin added that when the builder left the HOA was not up and running; if there was any common area that needed to be taken care who was going to be taken care of it.

Mr. Robertson answered that it would be the HOA; ultimately it would be theirs.

Mr. Brett Cox, Land Development, stated there would be a maintenance agreement placed on the tract; if the developer or the HOA did not maintain it, it gave the City the ability to go in and maintain it and assesses all properties for the cost.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE Case No. 12209-CUP-13 SUBJECT TO THE FOLLOWING ONE CONDITION:**

1. That the plan be revised in the following manner and resubmit three copies and an electronic disc:
  - a. Exchange the turf grass mix with a native prairie mix or various mixes with wet mixtures at the bottom of the detention area and dryer mixtures on the sides.
  - b. Remove the Austrian Pines and add White Pines.
  - c. Double the installation of trees at the cul-de-sacs in a triangular pattern.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy  
VOTING NAY: None  
ABSENT: None

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<b>RE:</b>	<b>Case No. 1696-V</b>
<b>APPLICANT:</b>	Monty Summers Group Real Estate Development, LLC 1401 W 13 <sup>th</sup> Street Kansas City, MO 64102
<b>AGENT:</b>	Lisa Dubé Richard T. Bryant and Associates 1102 Grand Boulevard Kansas City, MO 64102
<b>LOCATION:</b>	generally located at the southwest corner of W 13 <sup>th</sup> Street and Liberty Street
<b>REQUEST:</b>	to vacate an east/west alley located west of Hickory Street, east of Liberty Street.

Ms. Ashley Winchell, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Richard Bryant, attorney for the owner of the property was in agreement with the staff report and the conditions.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to  
**APPROVE Case No. 1696-V SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a full-width utility easement be retained.
2. That any existing facilities within the right of way be protected.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy  
VOTING NAY: None  
ABSENT: None

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**RE:** Case No. 5857-MPD-52

**APPLICANT:** Nathaniel Hagedorn  
North Point Development Company  
5015 Canal St., Suite 200  
Riverside, MO 64150

**APPLICANT'S  
REPRESENTATIVE:** Bill Prelogar  
NSPJ Architects Chartered  
3515 W 75<sup>th</sup> Street, Ste 201  
Prairie Village, KS 66208

**OWNER/S:** North Point Development Company  
*Other owners involved but not identified on the application.*  
  
Steve A and Sharon L McCray

**LOCATION:** Generally located south of NW 64<sup>th</sup> Street and on either side of  
North Cosby Avenue

**AREA:** About 28.7 acres



**REQUEST:** To consider the approval of an amendment to an existing Development Plan in District MPD (Master Planned Development) for assisted living, office, retail, restaurant and mixed uses, in which the plan also serves as a preliminary plat.

Mr. John Eckardt, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Commissioner Archie asked if it was conditioned to come back before them at its final stages.

Mr. Eckardt answered that the conditions in the report were the conditions that were on the previous plan as slightly modified by Land Development Division and others. It wouldn't come back there; it was a MPD.

Commissioner Archie brought up Condition #26.

Mr. Eckardt stated it said to be submitted to the City Plan and Development Department; it came back to the Development Review Committee.

Commissioner Martin asked how the monument sign issue would be resolved.

Mr. Eckardt answered he hoped that discussion would occur there.

Chairwoman Macy asked to hear from the applicant.

Mr. Brad Ingels stated they had some locations of proposed signs and for any future applicants coming in for additional signs.

Chairwoman Macy said so there wouldn't be any more on Highway 45 just at the southern site.

Mr. Ingels responded no.

Chairwoman Macy asked when they thought they would move forward with the assisted living.

Mr. Ingels responded that site was scheduled to close later that month and they had been exploring some senior living partners from the operations side of things; they were narrowing down who they would like to work with to get a plan together and that would be 2 to 3 months and then they would come back at that time; and then talk with the neighborhoods at that time to be sure they would be in support of whatever it was they came up with.

Chairwoman Macy opened discussion to the public.

Ms. Kelly Campbell and John Burgess there on behalf of Tremont Dale which was the subdivision just to the southeast of the parcel of land. They had met with NorthPoint Development; they had reached an agreement with regards to the parking on the city street and supported NorthPoint's request for an Ordinance to eliminate some of the street parking; they

expect that would increase the safety in the area and remove some of the parking on the street which had created challenges for their subdivision.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE Case No. 5857-MPD-52 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That (3) six collated, stapled and folded copies (and a CD containing a pdf file, a georeferenced monochromatic TIF file, and CAD/GIS compatible layer of the site plan boundary referenced to the Missouri state plan coordinate system) of (a revised drawing /all listed sheets), revised as noted, be submitted to Development Management staff (15<sup>th</sup> Floor, City Hall), prior to the ordinance request showing:
  - a. Provide a Preliminary Stream Buffer Plan, with Stream Buffer delineations.
  - b. Provide a summary of total area for each Stream Buffer Zone, and encroachment into each zone, and any required mitigation.
  - c. Show Sanitary Sewer Extension to Lot 2.
  - d. That the signage note 6. On the plan be revised and exact monument signage be shown on the plan as to which monument signs are to remain and where future monument signage will be allowed, sizes, setbacks, etc., as agreed upon by the applicant and City Development Department staff. The current note is too vague. **Brad, please make all potential future signs on the signage plan legal monument signs (not pylon signs) limited to a maximum of 50 sf, 10 ft setback from the right of way and limited to 6 ft height.**
  - e. That a Registered Landscape Architect sign the Landscaping Plan, L1.01.
  - f. That the developer attach a copy of the approved design guidelines which were made a part of the Tuileries plan as required by City Development Department staff.

*Conditions 2 through 18 per City Planning & Development, Land Development Division (Brett Cox, [Brett.Cox@kcmo.org](mailto:Brett.Cox@kcmo.org))*

2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
3. The developer must submit a new, or update previously accepted Macro Storm Drainage Study for the overall development to the Land Development Division, updating the Macro to address quantity and quality adopted standards, development amendments or modified conveyance systems, etc., along with providing a detailed Micro study prior to final platting or issuance of a building permit (whichever occurs first), that is in general compliance with the Macro and adopted standards, including a BMP level of service analysis, and securing permits to construct any improvements as required by the Land Development Division. The Macro Storm Drainage Study will include modifications to the west and east detention pond to bring the rate of runoff into compliance with the

current APWA 5600. The post development flow will be less or equal than the pre development flow.

4. That the intersection of N Cosby Ave and NW 63rd Street shall be improved to complete the sidewalk, crosswalk, and ADA ramp improvements to properly tie this projects improvements into existing pedestrian improvements to adopted standards as required by Public Works Department and the Land Development Division, obtaining required permit for said improvement prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first.
5. The developer must construct 5 foot sidewalks along all street frontages adjacent to Tracts at the time of platting or at the time of Building Permit for each lot, as required by the Land Development Division.
6. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
7. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting.
8. The developer must integrate any relocated street lights into existing street light system impacted by the drive modifications as required by the Land Development Division for City frontages.
9. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review, acceptance, and permitting for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
10. The owner/developer must secure a Site Disturbance permit from the Land Development Division prior to beginning any construction, grading, clearing, or grubbing activities, if the disturbed area equals one acre or more during the life of the construction activity.
11. The developer must secure permits to extend sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
12. The developer shall verify vertical and horizontal sight distance for all drive approaches and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met.
13. The developer must show the limits of the 100-year floodplain on the final plat, as required by the Land Development Division.

14. The developer must show the lowest opening or elevation or Minimum Low Opening (MLO) of any structure on each lot that abuts a 100-year flood prone area on any plat and plan, as required by the Land Development Division.
15. That any stream buffer zones are delineated by submitting a preliminary buffer plan prior to approval of the amended Development Plan in accordance with the Section 88-415 requirements.
16. The developer must submit a final stream buffer plan, prepared in accordance with Section 88-415, for review and acceptance by the Land Development Division, with the final plat application, and prior to building permit issuance, whichever occurs first.
17. The developer must show and label the final stream buffer zones on the subdivision plat within a private open space tract (or stream buffer easement), as required by the Land Development Division.
18. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or storm water detention area tracts, prior to recording the plat.

*Condition 19 per Parks and Recreation, (Richard Allen [Richard.Allen@kcmo.org](mailto:Richard.Allen@kcmo.org))*

19. That the developer contribute \$68,809.03 or a rate of \$201.79 per unit, in lieu of parkland dedication for 341 multifamily units in satisfaction of Section 88-405-17 of the Zoning and Development Code, calculated as follows:
  - 341 MF units x 2 persons/unit x 0.006 acres/person = 4.092 acres
  - 4.092 acres x \$16,815.50/acre = \$68,809.03 or \$201.79 per unit.

*Condition 20 per Fire Marshal's Office, (John Hastings, [John.Hastings@kcmo.org](mailto:John.Hastings@kcmo.org)).*

20. That the developer install fire hydrants as required by the Fire Marshal's Office.

*Conditions 21 –24 per Water Services Department, (Heather Massey, [Heather.Massey@kcmo.org](mailto:Heather.Massey@kcmo.org))*

21. That the developer extend, relocate and abandon private and public water mains as required by Water Services Department staff.
22. That the developer relocate and abandon sanitary sewer mains as required by Water Services Department staff.
23. That the developer provide water and sanitary sewer easements as required by Water Services Department staff.

24. That the developer provide wider easements for existing water and sanitary sewer mains as required by Water Services Department staff.

*Conditions 25 –27 per City Development Department, (John Eckardt, [John.Eckardt@kcmo.org](mailto:John.Eckardt@kcmo.org))*

25. That within 30 days of approval of a preliminary development plan by the city council, the landowner must file with the appropriate recorder of deeds office a statement that such a plan: (1) has been filed with the city plan commission; (2) has been approved; (3) that the MPD preliminary development plan is applicable to certain specified legally-described land; and (4) that copies of the plan are on file in the city planning and development department. The statement recorded with the recorder of deeds must also specify the nature of the plan, the proposed density or intensity of land use and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan and further include all information as required by Section 88-520-03-H.
26. That the developer submit Final MPD development plan with the city planning and development department after approval of and before the lapse of a preliminary development plan. The site plan shall include information regarding: property uses, setback distances, lighting (photometrics plan showing zero footcandles at the property line), landscaping and architectural characteristics, berms, trees and plantings around and within the parking lots; show proposed pedestrian circulation; and include elevation drawings of buildings and signage.
27. That this plan not proceed to the City Clerk's office for ordinance request until such time that all owners have signed proper consent forms and the application is signed by the owner.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy  
VOTING NAY: None  
ABSENT: None

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**RE:** a) **Case No. 6637-P-10**  
b) **Case No. 6637-P-11**

**APPLICANT:** Lamar Eby  
Northland Christian Education System  
4514 NW Cookingham Drive  
Kansas City, MO 64164

**OWNER:** John Elliot c/o Northland Christian Education System  
4514 NW Cookingham Drive  
Kansas City, MO 64164

**AGENT:** Jason Robbins

Aylett Surveyor Co.  
201 NW 72<sup>nd</sup> Street  
Gladstone, MO 64118

**LOCATION:** Generally located on the west side of Hwy 169 approximately 1,200 south of NW Shoal Creek Parkway (NW 108<sup>th</sup> Street).

**AREA:** About 100 & 35 acres.

**ZONING:** District R-7.5 (Residential dash 7.5).

**REQUESTS:** a) **Case No. 6637-P-10** - To consider an amendment to an existing Chapter 80 approved preliminary development plan in District R-7.5 (Residential dash 7.5), to delete the existing Chapter 80 plan.

Ms. Diane Binkley requested a continuance on these matters to the January 20, 2015 meeting date without fee.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to **CONTINUE** these matters to the January 20, 2015 meeting date without fee (No Testimony – No Required Quorum)

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy  
VOTING NAY: None  
ABSENT: None

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**RE:** a) **Case No. 6608-P-5**  
b) **Case No. 6608-P-6**

**APPLICANT/ OWNER:** Mohammad AbuAshbah  
Prince Auto, LLC  
10612 Blue Ridge Boulevard  
Kansas City, MO 64134

**AGENT:** Khalid Banday  
KAM Design & Construction, Inc.  
9000 E. Bannister Rd., #100  
Kansas City, MO 64134

**LOCATION:** 10612 Blue Ridge Boulevard - Generally located on the west side

of Blue Ridge Boulevard, approximately 200 feet north of E. 107<sup>th</sup> Street.

**AREA:** About 0.6 acres.

**ZONING:** B3-2 (Community Business dash 2).

- REQUESTS:**
- a) **Case No. 6608-P-5-** To consider an amendment to an existing Chapter 80 approved preliminary development plan in District B3-2 (Community Business dash 2), to delete the existing chapter 80 plan.
  - b) **Case No. 6608-P-6 -** To consider approval of a development plan in lieu of a Special Use Permit pursuant to Chapter 88-517-12-D, in District B3-2 (Community Business dash 2), to allow for vehicle sales and service.

Mr. Olofu Agbaji, Staff Planner, stated there was a member of the community there who wanted to request a continuance on this matter; and the pre-application meeting the applicant was advised to meet with the neighbors and as of this date, that hasn't happened.

Chairwoman Macy opened up the discussion to the public.

Mr. Carol McClure, Co-Chairman of the Southern Community Coalition; they had invited him to their next meeting which was on the 21<sup>st</sup>. There was one other member in the audience, Ms. Lucianna Von Gomez, 12019 Bennington, that also supported the request.

Chairwoman Macy asked to hear from applicant on the continuance request.

The applicant was in agreement with the continuance.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion to **CONTINUE** these matters to the February 3, 2015 meeting date with one \$130.00 fee (No Testimony – No Required Quorum)

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy

VOTING NAY: None

ABSENT: None

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**RE:**

- a. **Case No. SD-1496 – 5113-5115 Wyandotte St Preliminary Plat**
- b. **Case No. SD-1496A – 5113-5115 Wyandotte St Final Plat**

**APPLICANT/OWNER:** Bart Parish  
5113-5115 Wyandotte Apartment Coop Association  
49 E 53<sup>rd</sup> St  
Kansas City, MO 64112

**AGENT:** Betty Sheil, PLS  
Renner & Associates, LLC  
221 E Gregory Blvd, Suite C  
Kansas City, MO 64114

**LOCATION:** Generally located at 5113-5115 Wyandotte St.

**REQUESTS:**           a. To consider approval of a preliminary plat creating 1 lot.  
                              b. To consider approval of a final plat creating 1 lot.

Ms. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Bart Parish, 49 E. 53<sup>rd</sup> Street, Kansas City Missouri; it had been six or seven years since the economic down turn that anything had been done here; they were in agreement with the staff report and conditions.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition.

Commissioner Archie moved and Commissioner Baker-Hughes seconded the motion to **APPROVE SD 1496 and SD 1496A SUBJECT TO THE FOLLOWING CONDITIONS:**

*The following conditions are recommended by the Land Development Division of City Planning and Development. Please contact Brett Cox at 513-2509 or [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org).*

1. That the developer submits the preliminary plat, revised as noted below, to Development Management staff (15<sup>th</sup> floor, City Hall) for approval by the Land Development Division, prior to ordinance request.
  - a. Show all curb and/or sidewalk that needs to be repaired.
  - b. Remove all references to the forthcoming condominium plat.
2. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations, by making application under said code for a Major Subdivision Final Plat of the land and a Minor Subdivision Condominium Plat of the individual units in accordance therewith.
3. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public



Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

The City Plan Commission also voted to RECOMMEND APPROVAL of the above-referenced final plat (Case No. SD-1496A), subject to the following conditions:

***The following conditions are recommended by the Land Development Division of City Planning and Development. Please contact Brett Cox at 513-2509 or [brett.cox@kcmo.org](mailto:brett.cox@kcmo.org).***

1. The developer submit a letter to the Land Development Division from a Licensed Civil Engineer, Licensed Architect, or Licensed Landscape Architect, who is registered in the State of Missouri, to identifying sidewalks, curbs, and gutters in disrepair as defined by Public Works Department's "OUT OF REPAIR CRITERIA FOR SIDEWALK, DRIVEWAY AND CURB revised 4/8/09" and base on compliance with Chapters 56 and 64 of the Code of Ordinances for the sidewalks, curbs, and gutters where said letter shall identify the quantity and location of sidewalks, curbs, gutters that need to be constructed, repaired, or reconstructed to remedy deficiencies and/or to remove existing approaches no longer needed by this project. The developer shall secure permits to repair or reconstruct the identified sidewalks, curbs, and gutters as necessary along all development street frontages as required by the Land Development Division and prior to issuance of any certificate of occupancy permits including temporary certificate occupancy permits.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy  
VOTING NAY: None  
ABSENT: None

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**RE:** Case No. 14526-SU

**APPLICANT:** Riad Baghdadi  
RB Architecture  
10107 W 105<sup>th</sup> St  
Overland Park, KS 66212

**OWNER:** Burmese Muslim Association  
4214 E 7<sup>th</sup> St  
Kansas City, MO 64124

**LOCATION:** Generally located at 4214 E 7<sup>th</sup> St.

**REQUESTS:** To consider approval of a special use permit in District R-2.5 (Residential 2.5) to allow for a school and any necessary variances.

Ms. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant; she added it did seem like an unusual space for a school.

Mr. Rihad Baghdadi, there were about 50 to 60 families in the area and they were looking for space for their children to provide education and to serve their cultural needs. Based on a lot of issues; from their point of view it was the most practical location; they had tried to make the best of the space; they could not provide parking on the space but that was why they provided parking off site/off the alley. Based on their situation of the community, that was what they had come up with.

Commissioner Archie stated he was very sympathetic to the need; it was not only healthy for their community but as they learn how to supply the need for the diversity of the City; the fit was a little difficult to think about that being a good safe environment, but a situation retro-fitting a school into the building, even if they had more buildings and could construct something, then he thought it would be a reasonable location to think about.

Commissioner May asked who owned it and was it originally purchased for residential use.

Mr. Baghdadi answered the Burmese community owned and it never was a residential use; the reason they (inaudible).

Chairwoman Macy opened discussion to the public.

Mr. Dan Kelley representing some investors that had residential holdings in the northeast; they worked with various charities in finding housing for felons; and they had 18 registered sex offenders living within the allowable limit of the property; if they put a school there they would have to vacate the 18 units; that would cause a great financial detriment.

**DISCUSSION:**

Commissioner Baker-Hughes said she was very supportive of the community, the residential community as well as the Burmese community and she understood the need for an educational facility; it was very important; personally, she would much rather support an educational facility and she was sorry others would have to find other places to live. She did believe it was going to be very difficult to retro-fit that building to serve the students and the families that lived in that community. She wished the Burmese community could have had some additional guidance in purchasing a piece of property for their specific needs.

Mr. Baghdadi stated he agreed, it was not the ideal situation. They were not talking about a large school; it would be used by 24-40 students; they weren't talking about 500 or more students. It was very limited there; still that was the best they could do with what they had.

Commissioner Archie stated he wouldn't say they were denying them the opportunity; they wanted to make sure that the opportunity was workable to their benefit. They had to go with what was best even if their desire was that they would have what they would need. It would be very difficult for him to vote for that as a school.

Commissioner May stated schools were very, very important but they would want to be sure they were in a safe environment for the children and the facility was consistent with the needs of the children.

Commissioner Archie moved and Commissioner May seconded the motion to **DENY Case No. 14526-SU**.

Motion carried 7-0

VOTING AYE:	Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy
VOTING NAY:	None
ABSENT:	None

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**Re:** Case No. 254-S-300

**Request:** Amending Chapter 88, the Zoning and Development Code, Sections 88-205 Overlay Districts Generally and Section 88-605 Overlay Design Review Board to clarify procedures for establishment of an overlay district and the review board and other revisions as necessary

**Sponsor:** Jeffrey Williams, AICP, Acting Director,  
City Planning and Development Department

Ms. Patty Noll, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report; with her was Brad Wolf, Historic Preservation Division.

Commissioner Martin asked that each of the 4 overlay district types had their own design review committee establishment rules and they were only dealing with the NCO?

Ms. Noll responded yes.

Commissioner Martin asked how were the over lay-districts established or adopted, by ordinance or resolution.

Ms. Noll answered it was by ordinance; it was essentially like a rezoning; they would come before them with the boundaries the design standards and they would then process that through City Plan Commission very similar to a zoning change although the base zoning would be retained but it was an overlay.

Mr. Wolf stated that the Design Overlay Review Board would have to be established first; they were the recommending body; they would have to review all of the district applications and then it would come before the City Plan Commission and then to Council to be adopted by ordinance.

Commissioner Martin said then there would be a neighborhood and a group of neighbors who wanted to establish the NCO and they would come to the City and then the Design Overlay Review Board was constructed.

Mr. Wolf stated they would be a standing board like the City Plan Commission; with a representative from individual boards so the individuals would have the background and knowledge needed and include neighbors from that particular standing board.

Commissioner Martin asked how many NCOs were their currently.

Mr. Wolf answered none; this was a new Board.

Commissioner Martin asked who on the City Plan Commission would appoint the CPC member.

Mr. Wolf said that would be a CPC vote and appoint a member.

Commissioner Martin stated in 8860506 it stated "appointing officials"; who were they?

Mr. Noll answered that would be CPC, Historic Preservation Commission or the Mayor.

Commissioner Martin stated in 8860506-E-2 seems to require a "super majority vote"; a majority vote of at least 7 members that was a super majority because there was only going to be 7 was that correct?

Mr. Wolf stated that should be stricken it should just be a simple majority.

Commissioner Baker-Hughes asked if that would dis-ban any special review district committees.

Ms. Noll stated no; it was one of the 4 types, they were not dis-banning others.

Commissioner Baker-Hughes asked the intention of having 4 of the 5 committee people living in the City why was that.

Mr. Wolf stated he thought the idea was that some areas might have business interests for that area they just initially had to be an owner

Commissioner Baker-Hughes asked if the City Plan Commissioner sitting at that table would not be able to sit on any Plan Commission table would they have to recuse?

Ms. Maggie Moran stated if sitting on the new Board and there was an opinion or statement offered then yes; otherwise no.

Commissioner Martin asked about pg. 11, #2 it was calling for the Mayor to appoint two reps; would that be coming out.

Ms. Noll stated that was the way it had already been written, they really hadn't discussed that.

Commissioner Martin stated she thought the purpose of that was to get rid of the Mayor's appointment.

Ms. Noll answered it would be just for the two representatives; there would probably be nominations from the neighborhood association to the Mayor.

Commissioner Martin stated then there would be five core members, two members from the NCO and two members the Mayor was appointing?

Ms. Noll stated no it would be the association members to address #2; those two would be the representatives from the neighborhood.

Commissioner Martin asked which the Mayor appoints.

Ms. Noll answered yes; they hadn't discussed any real change to that.

Chairwoman Macy opened discussion to the public.

Mr. Jake Wagner, Department of Architecture, Planning and Designing, UMKC; they had been working with Manheim Neighborhood for a couple of years; that type of overlay had been working any many areas of Missouri, with Kansas City being the exception, i.e. St. Louis and Columbia. They seemed to come into place when there had been some historic integrity being lost. It also helped deal with issues like tear downs which might affect a neighborhood. Typically they were used to address demolition permits, permits for major renovation and then new construction. In the Manheim case their concern was how they could preserve the existing housing but also get compatible development. The step was necessary for them to do this.

Chairwoman Macy asked if there were quite a few land bank properties in Manheim.

Mr. Wagner answered there were quite a few land bank but Manheim had been working with property owners in the neighborhood to get control of those land bank properties and to be able to prep those sites for new construction.

Chairwoman Macy asked if the demolition was occurring of those.

Mr. Wagner answered there hadn't been so many recently; it was a handful of properties. Manheim was fairly small, 32 blocks, so it wasn't experiencing a lot of tear down there were some that needed to come down and there were some that were currently being picked up by small rehabbers.

Chairwoman Macy asked if he had any concerns about Commissioner Martin's concern about the appointment process.

Mr. Wagner stated it would be nice if under the district representatives it would say something about nominated by the neighborhood association; He thought it would be great if (inaudible) or if the Director of the City Planning could take those recommendations and would approve that more quickly; the Mayor already had significant impact on in terms of the Preservation Commission, City Planning Commission and there would be that strong voice of the neighborhood he thought that the Director of the City Planning upon the recommendation of the neighborhood organizations.

Mr. Wolf stated he thought that would be fine.

Ms. Noll said she thought they should go ahead and change it from the Mayor appointing two representatives to either the Director of City Planning and Development makes that appointment or the Overlay Design Review Board.

Chairwoman Macy stated she thought it important to have flexibility.

Mr. Wolf thought having the Board select would be more open to the public about the process.

Chairwoman Macy stated she thought Mr. Wagner's point of already having those levels of political appointments that would have a voice.

Commissioner May asked if there was any appointment protocol; would allow input from whoever needed to have input and not change who did the appointments; she wouldn't want to interfere with any other Board's protocols.

Chairwoman Macy stated she thought it would be like the Main Street appointments; it wasn't from the Mayor it was the Board that determined it; she thought there were other examples in the City where it had taken place.

Commissioner Martin stated the concern she had was the Overlay Design Review Board weren't necessarily knowledgeable of the people in the neighborhood that was going to be on the Board.

Mr. Wolf stated that was the important of people being appointed by the neighborhoods that would have actual interest in the area.

Commissioner Martin stated she wanted to make sure the people in the NCO were getting a seat at the table.

Mr. Wolf stated definitely.

Commissioner Martin moved and Commissioner Archie seconded the motion to **APPROVE the text amendments in Case No. 254-S-300.**

Motion carried 7-0

VOTING AYE:	Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy
VOTING NAY:	None
ABSENT:	None

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**Re:** Case No. 254-S-301

**Request:** Amending Chapter 88, the Zoning and Development Code, by adding a new subsection 88-445-14.B.5(j), to allow for the addition of an electronic, digital or other changeable copy display to an existing non-conforming outdoor advertising sign if approved by the City Council as part of a settlement of a condemnation action

**Sponsor:** Councilman Jim Glover

Commissioner Archie moved to hold a closed session to discuss legal matters and legal advice pursuant to Section 610.021 (1), RSMO; Commissioner Martin seconded the motion.

**ROLL CALL:** Martin, Aye; Baker-Hughes, Aye; Archie, Aye; Macy, Aye; Krum, Aye; Gutierrez, Aye; May, Aye.

Motion carried 7-0.

Closed Session: 10:50

Commissioner Archie moved and Commissioner May seconded the motion to come out of closed session.

Regular session reconvened at 11:05.

Ms. Patty Noll, Staff Planner, presented the staff report and stated that staff recommended approval for reasons presented in the staff report.

Commissioner Krum asked about every reference to a sign was preceded by the word “non-conforming”; it suggested that every sign in the City was non-conforming?

Ms. Noll answered it would have to be legal non-conforming?

Commissioner Krum asked why the word “non-conforming”?

Ms. Noll answered that with the adoption of the new zoning sign code, the billboard provision were changed so that existing billboards were non-conforming were now legal non-conforming.

Commissioner Archie stated the digital sign, which they did not promote, did they have governing elements such as how bright they could be, how much they could change, was there any discussion?

Ms. Noll stated they would probably want to ensure there was a reference to what governs.

Chairwoman Macy opened discussion to the public.

Mr. Terrance Nash; there with Citizens Against Billboard blight and he thought non-conforming signs, billboards were all non-conforming that when they passed the Billboard Ordinance it was supposed to be that they were going to get rid of them gradually was what the intent; they just couldn't say they had to take their billboard down today or they were going to take assets. Billboards were deemed to draw blight and everything else.

The whole case revolted him. There was a problem with the ordinance switching; they were going to go from no additional signs to additional signs so it was a real windfall for the billboard company. They could switch a small sign to a large digital sign; that was about blight switching. They had deemed it as blight so now they were going to switch it to some other area and allow the blight to be in another area.

What he saw as the bottom line was that it gutted the Billboard Ordinance; when the intent for billboards to be taken out of the City gradually; and that was they should not allow it to go through.

#### DISCUSSION:

Commissioner Archie asked if it would allow exchanging a digital face of a regular billboard.

Ms. Noll answered that was correct.

Commissioner Archie stated and then the face of the billboard was not on both sides, the face was the one face.

Ms. Noll answered yes.

Commissioner Martin moved and Commissioner Archie seconded the motion to **APPROVE the text amendments in Case No. 254-S-301.**

Motion carried 7-0

VOTING AYE:	Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy
VOTING NAY:	None
ABSENT:	None

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OTHER MATTERS:

Approval of the minutes of the December 2, 2014 meeting date.

Commissioner Archie moved and Commissioner May seconded the motion to **APPROVE** the minutes of the December 2, 2014 meeting date.

Motion carried 7-0

VOTING AYE: Archie, Baker-Hughes, Gutierrez, Krum, Martin, May, and Macy

VOTING NAY: None

ABSENT: None

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There being no further business, Chairwoman Macy adjourned the meeting at 11:16 a.m.

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Respectfully submitted,

Diane M. Binckley  
Assistant Secretary

APPROVED:

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Babette Macy, Chairwoman